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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj-00114-DJA

Plaintiff,

## **Stipulation to Extend Deadline to File an Information or Indictment (Second Request)**

ARMANDO RIVEROS-GOMEZ,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.

Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States

Attorney, counsel for the United States of America, and Andrew Wong, Assistant Federal

Public Defender, counsel for ARMANDO RIVEROS-GOMEZ, that the Court extend the

deadline by which an information or indictment must be filed under 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance if the defendant is in custody . . .”

2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of

1 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
2 times . . .”

3. On February 13, 2020, the Court held an initial appearance for defendant  
4 Armando Riveros-Gomez (“Riveros” or “defendant”), during which he was detained on  
5 the criminal complaint, and a preliminary hearing was set for February 27, 2020. ECF No.  
6 3.

7. On February 14, 2020, the parties stipulated to continue the deadline that  
8 requires that the preliminary hearing be conducted within 14 days of a detained defendant’s  
9 initial appearance, *see Fed. R. Crim. P. 5.1(c)*, and the deadline that requires that an  
10 information or indictment be filed within 30 days of a defendant’s arrest as required by 18  
11 U.S.C. § 3161(b). ECF No. 8. The Court granted the parties’ request and continued the  
12 preliminary hearing to April 3, 2020. ECF No. 12.

13. On March 19, 2020, the parties asked the Court to extend the preliminary  
14 hearing date a second time. ECF No. 13. However, this stipulation inadvertently and  
15 mistakenly omitted the parties’ request to also extend to the deadline by which an  
16 information or indictment must be filed under 18 U.S.C. § 3161(b). The Court granted the  
17 parties’ request and continued the preliminary hearing date to May 21, 2020. ECF No. 14.

18. The parties by and through this stipulation respectfully request that the Court  
19 extend the 18 U.S.C. § 3161(b) deadline for the filing of an indictment or information to  
20 May 21, 2020.

21. Under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information or  
22 indictment charging an individual with the commission of an offense shall be filed within  
23 thirty days from the date on which such individual was arrested or served with a summons  
24 in connection with such charges.” The parties intended to agree to waive this Speedy Trial

1 right while the parties continued to negotiate an agreed resolution under which the  
2 defendant will plead guilty to a criminal information after waiving his right to indictment  
3 but inadvertently and mistakenly omitted such a request from the March 19, 2020  
4 stipulation for a continuance. The parties have an agreement in principle and are waiting  
5 for the defense to return a signed plea agreement. Defense counsel has notified the  
6 government that Riveros intends to accept the negotiation, execute the plea agreement, and  
7 appear before the Court to change his plea to guilty as soon as practicable.

8       8. Moreover, if negotiations fail, the defense will require additional time to  
9 review the discovery and investigate potential defenses to prepare for the May 21, 2020,  
10 preliminary hearing. The government will need additional time to ask the grand jury to  
11 consider an indictment containing charges alleged in the complaint arising from Riveros'  
12 federal law violations before May 21, 2020.

13       9. The additional time under the Speedy Trial Act requested herein is not sought  
14 for the purposes of delay, but to allow counsel for Riveros sufficient time to effectively and  
15 thoroughly research and prepare and to determine whether to proceed with a preliminary  
16 hearing and indictment or to resolve this case through negotiations. Moreover, Riveros  
17 knowingly and voluntarily waives any claim he may have that he suffered prejudice by the  
18 parties' prior failure to ask the Court to extend the deadline under 18 U.S.C. § 3161(b) for  
19 the filing of an indictment or information.

20       10. Although Riveros is in custody, he expressly agrees to the extension of the  
21 deadline imposed by 18 U.S.C. § 3161(b) and waives any right to remedies under 18 U.S.C.  
22 § 3161(b), provided that an information or indictment is filed on or before the current  
23 preliminary hearing date, May 21, 2020.

24       11. The parties agree to the extension of this deadline.

12. Accordingly, the parties ask the Court to order that the additional time requested by this stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

13. This is the second request for an extension of the Speedy Trial deadline by which to file an information or indictment.

DATED this 25 day of March, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH  
United States Attorney

/s/ Andrew Wong  
ANDREW WONG  
Assistant Federal Public Defender  
Counsel for Defendant  
ARMANDO RIVEROS-GOMEZ

/s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj-00114-DJA

Plaintiff,

V.

ARMANDO RIVEROS-GOMEZ,

**[Proposed] Order on Stipulation to Extend Deadline to File an Information or Indictment (Second Request)**

## Defendant.

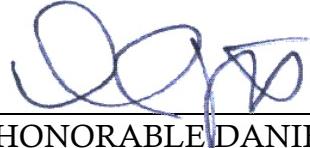
Based on the stipulation of counsel, good cause appearing, and the best interest of  
the defendant and the public, it is hereby stipulated and agreed that the time requested by this stipulation being excludable in computing  
the time within which the defendant must be indicted and the trial herein must commence  
is reasonable and in accordance with the intent of the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors  
set forth in 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the deadline under the Speedy Trial Act, 18 U.S.C. § 3161(b), that requires “[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges” is hereby extended to May 21, 2020 at the hour of 4:00 p.m.

The Court finds the additional time requested by the parties' stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein

1 must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A),  
2 considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

3 DATED this 1st day of April, 2020.

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6 HONORABLE DANIEL J. ALBREGTS  
7 UNITED STATES MAGISTRATE JUDGE  
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